

**REMARKS****1. Claims Amendments.**

The claims have been amended to clarify the invention. No new matter has been added.

Claims 1-10, 34, 35, and 38 have been canceled.

Claim 11 has been amended to clarify that the present invention is a business method for collecting and providing current updated and verified (original Specification page 1, line 16) credential information regarding at least one individual to an interested entity regarding the ongoing and continued employment of the at least one individual (original Specification page 3, line 3).

Claims 12 – 20 have not been amended in this response.

Claim 21 has been amended to clarify that the present invention is a business method for collecting and providing current updated and verified (original Specification page 1, line 16) credential information regarding at least one individual to an interested entity regarding the ongoing and continued employment of the at least one individual (original Specification page 3, line 3).

Claims 22 -32 have not been amended in this response.

Claim 33 has been amended to clarify that the present invention is a business method for collecting and providing current updated and verified (original Specification page 1, line 16) credential information regarding at least one individual to an interested entity regarding the ongoing and continued employment of the at least one individual (original Specification page 3, line 3). Claim 33 also has been amended to clarify that the data in the database is compared with the information resident at the information providers (original Specification page 8, line 24).

Claim 36 has not been amended in this response.

Claim 37 has been amended to clarify that the present invention is a business method for collecting and providing current updated and verified (original Specification page 1, line 16) credential information regarding at least one individual to an interested entity regarding the ongoing and continued employment of the at least one individual (original Specification page 3, line 3). Claim 37 also has been amended to clarify that

the data in the database is compared with the information resident at the information providers (original Specification page 8, line 24) and that the information is obtained from the individual and other information sources (original Specification page 4, line 5).

Claim 39 has not been amended in this response.

Claim 40 has been amended to clarify that the present invention is a business method for collecting and providing current updated and verified (original Specification page 1, line 16) credential information regarding at least one individual to an interested entity regarding the ongoing and continued employment of the at least one individual (original Specification page 3, line 3). Claim 40 also has been amended to clarify that the data in the database is compared with the information resident at the information providers (original Specification page 8, line 24). Claim 40 also has been amended to clarify that the invention obtains information from the individual and a combination of information sources (original Specification page 7, line 13) and automatically obtains updated credential information from the information sources (original Specification page 7, line 20).

No new matter has been entered in any of these amendments.

Applicant has submitted previously payment for 39 total claims including 5 independent claims. As the amendments to the claims result in 27 total claims including 5 independent claims, no additional claims fees are necessary.

**2. Claims 11-33, 36, 37, 39 and 40 are not Anticipated under 37 CFR 102 by US Patent Application Publication No. 2001/0047347 A1 to Perell**

Anticipation under 35 USC 102(b) requires "the disclosure in a prior art reference of each and every element of the claimed invention." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986); *see also verdegall Bros. V. Union Oil Co. of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference"). The absence of one element from the cited prior reference negates anticipation. *See Atlas Powder Co. v.*

*E.I. du Pont de Nemours & Co.*, 224 USPQ2d 409 (Fed Cir. 1984). As discussed below, each and every element of the claims of the present patent application is **not** found in Perell '347.

Perell '347 discloses and teaches "a system and method for accumulating, verifying, certifying and maintaining in a readily available database, resume data pertaining to job seekers, so that the data may be searched and used by potential employers at the election of the prospective employee" (Perell '347 ¶0010), which is an employment system for people looking for jobs, and not a credentialing system for employers to use in deciding whether to continue a relationship with a current employee. There is an inherent distinction between the two. In an employment seeking situation, the potential employer is interested in finding out as much information about the potential employee so as to make an informed hiring decision. Thus, the potential employee is interested in providing as much information about herself as possible from all sources. In an employment retention situation, the current employer is interested in finding out whether the current employee has maintained her credentials (memberships, certifications, etc.) or has more recent (yearly, etc.) issues (arrests, disciplines, awards, etc.) so as to make an informed retention decision. Thus, as claimed, Perell '347 requires:

1. A multiple-party data attribute management system for the controlled exchange of data, said system comprising:
  - a) a database interface device for accessibly storing said data, said data including at least one data item having at least one data item attribute that can be varied between at least one attribute source state and at least one attribute use state to enhance the useful value of said data item,
  - b) said database interface device is accessible for data exchange with:
    - i) at least one data originator for submitting said data to said interface device with said at least one data item having said attribute in said source state;
    - ii) at least one attribute enhancer for changing said attribute from said source state to said use state;

- iii) at least one data user for using said data with said at least one data item having said attribute in said use state; and
- c) said interface device includes an access control system for controlling said access to said interface device by at least one of:
  - i) said data originator for preventing alteration of said attribute by said originator;
  - ii) said data user for preventing alteration of said attribute by said user;
  - iii) said data originator for verifying the identity of said data originator; and
  - iv) said data user for verifying the identity of said data originator.

However, the present invention, as claimed, does not require the entire step c of Perell '347, or of step b ii, to the extent it is understood.

In particular, in the Perell '347 system, the primary source data (resume information relevant to job qualifications) may be contributed by Job Seekers, who create personal database records. Job Seekers also may establish search criteria for matching with corresponding criteria supplied by potential employers (Employer Members). Perell '347 ¶10012. Further, in the Perell '347 system, the system may in general provide a custodial escrow for data of many different kinds, useful in the presently preferred embodiment of the system and in the alternative embodiments. The Perell '347 system functionality includes providing security against tampering, contamination, or destruction of data (data vault protection), may provide controlled data contribution access, controlled data attribute modification (such as verification status, approval status, and the like), and may include timed data access controls (time-sensitive data exchanges or publications). Perell '347 ¶10018. Additionally, in the Perell '347 system, the may verify resume data itself, ***although this function is preferably done by third-party providers***, which are companies, individuals or other entities that that system operator contracts with to perform the verification process. Perell '347 ¶10058.

In fact, the entire specification of Perell '347 is dedicated to input and use by a job seeker. Perell '347 ¶¶0083 – 0215. Perell '347 paragraphs 0216 - 0244 are dedicated to verification of the job seeker's information in which "[t]he unverified resume data is assigned to one or more Verification Services (VS) for verification. Preferably the VS are independent services or contractors selected to efficiently verify resume data." Perell '347 ¶0218. Employer services are relegated to the end and such services are for the most part limited to signing up, paying a fee, and "[a]s part of their membership, Employer Members are able to search the database of resumes." Perell '347 ¶0267.

Importantly, Perell '347 does not provide for either (1) obtaining updated information from the at least one information source or (2) replacing the initial information with the updated information, as required by the independent claims of the present invention. This shows that Perell '347 is for a pre-entered database for searching as is, and not for a continuously updated database that allows employers to "keep tabs" on current employees and/or that "pushes" updated information about current employees to their current employers. Perell '347 also does not provide for automatically verifying the information provided for or obtained about the individuals. Thus, as can be seen, the present invention is distinct from Perell '347 both in that Perell '347 discloses and claims a system with different element and in that the present invention discloses additional elements that cause the present system to operate in an entirely different way than Perell '347.

Somewhat more specifically, in summary, the present invention discloses a method comprising one or more of the following elements that Perell '347 does not disclose, claim or even teach:

- A method for providing current updated and verified credential information
- Regarding the ongoing and continued employment of an individual
- Initially obtaining the credential information on a predetermined period basis about the individual from the individual and a combination of information sources
- Automatically obtaining updated credential information from the information sources and replacing predated credential information contained in the database with updated information

- Comparing the data in the database with the information resident at the information sources

These distinctions, one or more of which are contained in each of the independent claims of the present patent application, make the present invention patentably distinct from Perell '347.

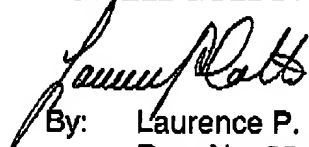
For the above reasons, Applicant requests that the Examiner withdraw the grounds for rejection and find the pending claims allowable.

### **CONCLUSION**

Applicant submits that the patent application and the claims are in condition for allowance and requests such action.

If the examiner has any final questions or concerns prior to allowance, please have the examiner contact the below signed attorney of record at his new contact information.

Respectfully submitted,  
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